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ATTORNEY'S DOCKET NO: N0391/7005 SJH

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

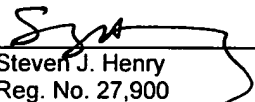
Applicant: Robert C. Pittenger
Serial No: 09/810,643
Filed: March 16, 2001
For: SECURITIES GRADING SYSTEM

Examiner: --
Art Unit: 2161

#4
11/08/01
✓
RECEIVED
OCT 17 2001
Group 2100

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on the _ 5th _ day of October, 2001.


Steven J. Henry
Reg. No. 27,900

Box IDS
Commissioner for Patents
Washington, D.C. 20231

Sir:

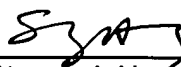
Transmitted herewith are the following documents:

- [x] Information Disclosure Statement and references
- [x] Return receipt postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

No check is enclosed. If the fee is insufficient, the balance may be charged to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,



Steven J. Henry
Reg. No. 27,900
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210-2211
(617)720-3500

Docket No.: N0391/7005
Date: October 5, 2001

x10/2/01



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Steven J. Henry
Reg. No. 27,900

Box IDS
Commissioner for Patents
Washington, D.C. 20231

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

(Select A, B or C below)

A. ☒ This Information Disclosure Statement has been filed

(check 1, 2 and/or 3 below)

1. ☐ within three months of the filing date of a National Application.
2. ☐ within three months of the filing date of the entry of the National Stage, as set forth in 37 C.F.R. §1.491, in an International application.
3. ☒ before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

B. ☐ This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311.

(check 1 or 2 below)

1. ☐ The fee of \$180 as set forth in 37 C.F.R. §1.17(p) is enclosed.
2. ☐ The Applicant hereby states, as specified in 37 C.F.R. §1.97(e), that

(check a or b below)

- a. ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement. No fee is required.
- b. ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application, and, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement. No fee is required.

C. ☐ This Information Disclosure Statement has been filed after the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311 and is being filed on or before payment of an Issue Fee.

1. The Applicant hereby states, as specified in 37 C.F.R. §1.97(e), that:

(check a or b below)

- a. ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.
- b. ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent Office in a counterpart for this application, and, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated

in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.

2. A Petition requesting consideration of the Information Disclosure Statement is attached.
3. The Petition fee of \$130 as set forth in 37 C.F.R. §1.17(i) is enclosed.

PART II: - Information Cited

- A. ☒ The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.
- B. ☐ The Applicant hereby makes the following additional information of record in the above-identified application:

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

The following are remarks concerning the other information cited:

PART IV: Remarks

A copy of each of the above-identified information is enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By: 

Steven J. Henry, Reg No. 27,900
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210
Telephone (617) 720-3500

Docket No. N0391/7005 SJH

Dated: 10/5/01

xndd



FORM PTO-1449(Modified) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO.: N0391/7005 SJH	SERIAL NO.: 09/810,643
	APPLICANT: Robert C. Pittenger	
	FILING DATE: March 16, 2001	GROUP: 2161

U.S. PATENT DOCUMENTS

Exam Init	Ref Des	Document No.	Date	Name	Class	Sub Class	FILING DA If Appropri
		5,761,442	6/2/98	Barr et al			
		5,946,666	8/31/99	Nevo et al			
		5,946,667	8/31/99	Tull, Jr. et al			

FOREIGN PATENT DOCUMENTS

		Country & Doc. No. (11)	Pub. Date (43)		Class	Sub Class	Translation Yes

OTHER ART

(Including Author, Title, Date, Pertinent Pages, Publication, Etc.)

			PCT/US01/08534 International Search Report

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered.

Include copy of this form with next communication to applicant